

UNITED STATES FEDERAL COURT
DISTRICT OF MASSACHUSETTS

STEVEN A. FLORIO,

Plaintiff

v.

COMMONWEALTH OF MASSACHUSETTS,
GOVERNOR CHARLES E. BAKER,
individually
and in his official capacity,
MARYLOU SUDDERS, individually and
in her capacity as Secretary of Health and
Human Services,
CATHERINE STARR, individually and in her
capacity as Secretariat Human Resources
Officer and ERICA CRYSTAL, individually and in
her capacity as Executive Office of Health and
Human Services Labor Relations Director and
Deputy General Counsel for the Commonwealth
of Massachusetts,

Defendants

C.A. NO. 1:21-CV-10665

JOINT STATEMENT AND PROPOSED SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 26(f) and this Court's Notice of Scheduling Conference, the parties, through counsel, conducted a conference for the purposes set forth in the Court's Notice. Participating in the conference were Carlin J. Phillips of Phillips & Garcia, P.C., on behalf of the Plaintiff and Kendra Kinscherf and Eric Martignetti on behalf of the Defendants.

I. PENDING MOTIONS AND MATTERS TO BE DISCUSSED WITH THE COURT

Defendants' Motion to Dismiss: On August 13, 2021, the Defendants filed a motion to dismiss the Plaintiff's First Amended Complaint. The Plaintiff opposition brief is due on September 14, 2021.

Matters to Be Discussed with the Court: There are no matters to discuss with the Court at the Scheduling Conference.

II. AGREED SCHEDULING AND DISCOVERY PLAN

The parties have agreed to conform with the obligation to limit discovery as set forth in Rule 26(b) and, to that end, agree to take part in informal discovery including compliance with the automatic disclosure rules set out in Rule 26(a). However, given the pending motion to dismiss, the number of claims may be narrowed, if not completely dismissed by the Court. Accordingly, the parties agree to stay discovery pending the Court's decision on the motion to dismiss ("MTD Decision") and have proposed a plan of litigation events all based on the date of such decision.

III. THE PARTIES' PROPOSED PLAN OF LITIGATION EVENTS

- A. Service of Initial Disclosures: 30 days after the MTD Decision.
- B. Motions for Addition of Parties and Amendment of Pleadings: 30 days after the MTD Decision.
- C. Fact Discovery – Interim Deadlines
 - 1. Service of Requests for the Production of Documents and Interrogatories: 60 days after the MTD Decision.
 - 2. Service of Requests for Admissions: 120 days after the MTD Decision.
 - 3. All depositions, other than expert depositions, must be completed within 1 year of the MTD Decision.
 - 4. Close of Fact Discovery: 1 year after the MTD Decision.
 - 5. Status Conference: To be set by the Court.

D. Expert Discovery

1. Plaintiff's Designation of Experts and Expert Disclosures: 60 days after the close of fact discovery
2. Plaintiff's trial expert(s) deposited: 120 days after the close of fact discovery.
3. Defendant's Designation of Experts and Expert Disclosures: 90 days after the close of fact discovery.
4. Defendant's trial expert(s) deposited: 120 days after the close of fact discovery.

E. Dispositive Motions

1. Deadline to file dispositive motions: 60 days after the close of fact discovery.

F. Initial Pretrial Conference: To be Set by the Court

IV. CONSENT TO MAGISTRATE: The parties have not agreed to trial by a Magistrate Judge.

V. CERTIFICATIONS PURSUANT TO LR 16.1 (D)(3)

The parties LR 16.1 (D)(3) certifications will be filed under separate cover.

Respectfully Submitted,
On behalf of the Defendants,

/s/ Kendra Kinscherf
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Respectfully Submitted,
On behalf of the Plaintiff,

/s/ Carlin J. Phillips
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